

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:94CR068
	)	
Plaintiff - Respondent,	)	JUDGE CHRISTOPHER A. BOYKO
	)	
v.	)	
DAVID CLEMENTS,	)	
	)	
Defendant - Petitioner.	)	AMENDED ORDER OF RESTITUTION

On March 15, 1994, a Superseding Indictment was filed against Defendant, David Clements, charging violations of: 18 U.S.C. § 2113, Armed Bank Robbery, Counts 1, 5, and 9; 18 U.S.C. § 924 Use of Firearm During Crime of Violence, Counts 2, 6, 10, 16; and 18 U.S.C. § 371 Conspiracy to Commit Armed Bank Robbery, Count 15. On March 16, 1994, Defendant was arraigned and plead not guilty to each named Count.

On July 26, 1994, a jury trial commenced before the Honorable Paul R. Matia, United States District Court Judge. On August 10, 1994, the jury returned guilty verdicts as to Counts 1, 2, 5, 6, 9, 10, 15 and 16; and not guilty verdicts as to Counts 3 and 4. The Defendant was sentenced to: 108 months as to Counts 1, 5, 9, and 15 and 65 years as to Counts 2, 6, 10 and 16 to run consecutive to Counts 1, 5, 9, and 15; 5 years Supervised Release; Restitution of \$55,659.00 payable to National City Bank; and a Special

Assessment of \$400.00.

On September 8, 2008, the Defendant filed "Motion to Amend Sentencing Judgment Restitution Order And/Or Set "Specific" Payment Plan/Schedule," ECF Doc. No. 458.

The Judgment and Commitment Order filed November 18, 1994 orders Restitution of \$55,659.00 payable to National City Bank and "**Restitution shall be paid if Defendant is employed while incarcerated,**" (Judgment and Commitment Order, Page 4<sup>1</sup>). Further, as a condition of Supervised Release, the Judgment and Commitment Order states, "**If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the Defendant pay any such fine, assessments, costs and restitution that remain unpaid at the commencement of the term of supervised release**" (Judgment and Commitment Order, Page 3).

The Court grants Defendant's motion and amends the previously filed Judgment and Commitment Order regarding Restitution to:

**"The Defendant shall pay 25% of his gross income per month, through the Federal Bureau of Prisons Inmate Financial Responsibility Program. If a restitution balance remains upon release from imprisonment, payment is to commence no later than 60 days following release from imprisonment to a term of supervised release at 10% of Defendant's gross monthly income during the term of supervised release and thereafter as prescribed by law.**

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<sup>1</sup>Copy of Judgment and Commitment Order filed November 18, 1994 attached.

***Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the Defendant discovered before and after the date of this Amended Judgment.”***

IT IS SO ORDERED.

s/Christopher A. Boyko  
Christopher A. Boyko  
United States District Court Judge

September 26, 2008